

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:11-CV-00077-RWS
)
AMEREN MISSOURI,) Judge Rodney W. Sippel
)
Defendant.)
)

**AMEREN MISSOURI'S RESPONSE TO UNITED STATES' MOTION FOR
VOLUNTARY DISMISSAL OF CERTAIN CLAIMS IN THE AMENDED COMPLAINT**

Ameren does not oppose the United States' motion to voluntarily dismiss the claims set forth in its Motion, ECF No. 157.

However, in accord with its statements on the record at the status conference held on October 1, 2013, Ameren submits this response to make clear that it is reserving its rights to seek an award of its attorneys' fees, costs and expenses related to the claims for which the United States now seeks dismissal.

Dated: October 3, 2013

Respectfully submitted,

/s/ Matthew B. Mock

Ronald S. Safer
Patricia Brown Holmes
Renee Cipriano
Steven J. Bonebrake
Matthew B. Mock
(All admitted *pro hac vice*)
SCHIFF HARDIN LLP
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606

(312) 258-5500
Fax: (312) 258-5600

James J. Virtel
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard Suite 1800
St. Louis, Missouri 63105
(314) 621-5070
Fax: (314) 612-2298
jvirtel@armstrongteasdale.com
Counsel for Defendant Ameren Missouri

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2013, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record, who are listed below:

Andrew C. Hanson
Justin A. Savage
Bradford T. McLane
U.S. Department of Justice
Environment and Natural Resources Division
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611
Telephone: (202) 514-5293
Facsimile: (202) 616-6584
andrew.hanson2@usdoj.gov
justin.savage@usdoj.gov
bradford.mclane@usdoj.gov

Andrew J. Lay
Suzanne J. Moore
Office of the U.S. Attorney
111 S. Tenth Street, 20th Floor
St. Louis, MO 63102
Telephone: (314) 539-2200
Facsimile: (314) 539-2777
andrew.lay@usdoj.gov
suzanne.moore@usdoj.gov

Nigel B. Cooney
U.S. Department of Justice
Environmental Defense Section
601 D. Street, N.W., Suite 8000
Washington, DC 20004
Telephone: (202) 514-3145
Facsimile: (202) 616-6584
nigel.cooney@usdoj.gov

/s/ Matthew B. Mock